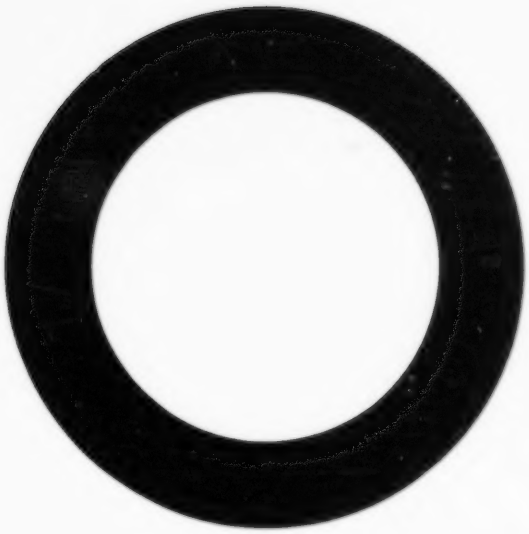

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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional Working Group
4-8 December 2000

IMPLEMENTATION OF THE INTERNATIONAL CONVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the fourth periodic report of Germany concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.3)

I. GENERAL INFORMATION

A. General socio-economic issues

1. The core document (HRI/CORE/1/Add.75 of 8 August 1996) gives detailed information about the country. Please provide up-to-date information when the report is discussed, describing trends in the development of German society in the economic sphere, in public welfare and in access to culture.

2. The Committee's concluding observations on previous reports of Germany have indicated concern over the socio-economic and cultural rights of the inhabitants of the eastern Länder. Article 8 of the report cites statements by the Federal Chancellor concerning the State party's policy on this matter. Please provide specific data illustrating changes in socio-economic indicators in the eastern Länder by comparison with the western Länder.

B. General legal framework within which economic, social and cultural rights are protected

3. The Committee takes note of the State party's explanations (paragraph 5 of the report) of the place that the Covenant occupies within the federal legal system. Please provide information on current case-law relating to the application of the Covenant.

C. Information and publicity relating to the rights recognized in the Covenant

4. Please provide updated information on the measures taken by the State party to inform the public at large, and civil servants, lawyers, judges and law enforcement officials in particular, with regard to the rights contained in the Covenant.

5. The Committee welcomes the fact that certain NGOs have been involved in the preparation of the State party's report. Is the State party planning to publish in German its fourth periodic report and the concluding observations adopted by the Committee after the consideration of its report?

II. ISSUES RELATED TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.1. International cooperation

6. Please describe the measures adopted by the State party in the area of international assistance and cooperation.

7. In its international economic relations, especially in the field of international trade and investment policy formulation, to what extent does the State party take into account its obligations under the Covenant?

Article 2.2. Non-discrimination

8. Are there any special programmes or other measures designed to preserve the specific characteristics of individual minorities within German society, or to ensure their proper advancement?

9. With reference to paragraph 14 of the State party's report, please explain why the Federal Constitutional Court in its decision of 25 August 1998 did not find in favour of the Sinti and Roma peoples.

10. Given the increasing number of foreign workers, please give an account of any specific action taken by the State party (in addition to that indicated in paragraph 16 of the report), since the submission of its previous report, to prevent discrimination against such workers.

11. Please provide a fuller account of the work of the Alliance for Democracy and Tolerance against Extremism and Xenophobia. Please provide detailed information on acts of xenophobia-related violence since 1998.

12. During the consideration of Germany's previous periodic reports, the matter of former State employees of the German Democratic Republic who lost their jobs upon German reunification was raised several times. Please provide specific information, including statistics, to support the State party's position, as set out in paragraphs 31 to 33 of its report.

III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT (arts. 6-15)

Article 6. Right to work

13. Please indicate the practical results of the efforts made by the "Alliance for jobs, training and competitiveness", referred to in paragraphs 58 to 60 of the report.

14. Please provide up-to-date information on unemployment in the eastern Länder in comparison with the western Länder and please indicate any measures taken to remedy the existing disparities.

15. Please provide up-to-date information on unemployment of foreigners who are legally residing in Germany.

16. Is there a prohibition on asylum seekers working? Is the right to seek employment limited for other refugees and, if so, how?

17. At the time the report is discussed, are budgetary allocations for active labour market policies still increasing (paragraph 68 of the report)?

18. Please give an account of the success of the State party's programme to reduce youth unemployment, as well as of any action taken, pursuant to the memorandum "The Integration of Disabled Persons in the Federal Republic of Germany" (paragraph 71 of the report).

Article 7. The right to just and favourable conditions of work

19. At the time the report is discussed, is unemployment pay still rising (paragraph 77 of the report)?

20. Please explain why "in the new Länder the pay rates amount to 86.5 per cent of the 'Western rates'" (paragraph 77 of the report) and indicate what steps have been taken to equalize pay rates.

21. Please provide up-to-date statistics for the past five years on occupational accidents and diseases.

Article 8. Trade union rights

22. Please provide statistics and other information covering the past five years showing changes in trade union membership among the economically active population.

23. With reference to paragraph 79 of the report, please explain which categories of State employees fall within the category of "public service", as provided for in article 8 of the Covenant, and are not, under German legislation, allowed to join trade unions or go on strike.

24. Please provide information about the legislation regulating the right of foreign workers legally present in Germany to join trade unions and take part in strikes.

Article 9. Right to social security

25. When the report is discussed, please update the information given in paragraph 101 of the report on changes in the social security field brought about by the new legislation referred to in paragraphs 89, 90, 92 to 94 and 96 of the report.

26. Please provide information on the current relationship between the amount of welfare benefits (pensions, social assistance and unemployment benefits) and the minimum subsistence level or minimum wage.

27. Please provide detailed information on any differences existing between the welfare benefits available to inhabitants of the eastern and western Länder? If such differences exist, please indicate what steps the State party is taking to remedy the situation.

28. Is the State party planning to ratify the Revised European Social Charter?

29. How many pensioners receive additional social assistance?

Article 10. Protection of the family, mothers and children

30. Please report on the implementation of the first national action plan to fight violence against women (paragraph 144 of the report) and the results achieved in this regard.

31. Please provide more information on child abuse, child exploitation and child pornography. Please indicate what measures have been undertaken by the State party and their results so far (paragraph 151 of the report).

32. With reference to paragraph 142 of the report, please provide more detailed information on the effects of the new legislation governing the citizenship of German-born children of foreign parents that took effect on 1 January 2000. In particular, what provision has been made to prevent cases of dual nationality that might arise out of the combination of *jus sanguinis* and *jus soli*?

Article 11. Right to an adequate standard of living

33. Please explain how the State party defines "adequate standard of living".

34. Please explain what method the State party uses to determine poverty and prosperity levels as outlined in the coalition agreement of 20 October 1998 and mentioned in paragraph 160 of its report.

35. The Committee welcomes the fact that the State party has initiated a report on poverty in Germany. Who are the most vulnerable groups identified in the report? What are the main policy recommendations of the report and does the State party intend to implement these recommendations?

36. How are the responsibilities for the fight against poverty and social exclusion distributed amongst the different levels of government (e.g. the federal level, the Länder and communal entities)? How are these policies being coordinated?

37. How is the State party contributing internationally to the realization of the right to food, as laid down in article 11.2 of the Covenant and elaborated in the Committee's General Comment No. 12.

38. At the time the report is discussed, is housing construction still continuing to increase and the number of homeless to fall?

Article 12. Right to physical and mental health

39. Please provide updated statistics on health expenditure for the past five years.

40. What is the State party doing to reduce the marked difference between female mortality levels in the eastern and western Länder (paragraph 204 of the report)?

41. Please report on the measures that have been adopted in respect of the health care of older persons.

Articles 13 and 14. Right to education

42. Please provide statistics on the percentage of the budget allocated by the State party to education over the past five years.

43. Language courses apart, are there separate educational programmes for foreign workers who are long-term residents in Germany?

Article 15. The right to take part in cultural life

44. At the time the report is discussed, please provide statistics on the percentage of the budget allocated by the State party to culture.

45. Please provide updated information on the benefits and assistance given to the population in general, and in particular to young persons, students, older persons, persons with disabilities and the disadvantaged and marginalized groups in society, such as the Roma and the Sinti, to participate in, and benefit from, the cultural activities of the State party.